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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TRIPHONIA HOWARD,

Plaintiff,

v.

THE STATE OF WASHINGTON; THE
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES; and CHARLES
HUNTER, individually and in his official
capacities,

Defendants.

Case No. C04-5474RBL

ORDER ON MOTIONS IN LIMINE

THIS MATTER comes before the above-entitled Court on Plaintiff's Motion in Limine [Dkt. #57] and Defendants' Motion in Limine [Dkt. #56]. The Court has reviewed the materials submitted for and against said motions and has conferred with counsel at the pre-trial conference.

Now, therefore, the following rulings are made as to the various matters raised in said motions.

Plaintiff's Motion in Limine:

1. Excluding evidence of plaintiff's receipt of pension or retirement benefits as a retired military officer.

RULING: Granted in Part. No reference will be made to the amount of plaintiff's pension and a curative instruction may be necessary to insure that the receipt of pension proceeds does not influence any damage award. Reference to a "military pension" may be admissible as part of a broader conversation between Mr. Howard and Mr. Hunter regarding disparate pay claims or revocation of any offer of higher pay or same pay for a lower-paying job.

2. Excluding evidence of settlement negotiations.
RULING: Granted
3. Excluding any witness or document not previously disclosed.
RULING: Reserve
4. Excluding reference to the Court's ruling on summary judgment.
RULING: Granted
5. Excluding reference to this motion in limine.
RULING: Granted

Defendants' Motion in Limine.

1. Excluding evidence of personal relationship between Hunter and one of his subordinate employees.

RULING: Reserve
2. Excluding reference to financial condition of defendants.

RULING: Reserve as to Defendant Hunter, Granted as to other defendants.
3. Excluding reference to settlement negotiations.

RULING: Granted
4. Excluding evidence of insurance.

RULING: Granted
5. Excluding evidence of this motion in limine.

RULING: Granted
6. Excluding evidence of Ninth Circuit reversal of Court's earlier Order Granting Summary Judgment.

RULING: Granted
7. Excluding reference to plaintiff's claims for race/color discrimination, disability discrimination or negligent supervision, retention or hiring.

RULING: Granted, except that plaintiff may testify about his assertion to his employer that he received less pay than comparable employees and that, in his mind, the reason for lower pay was race discrimination.

IT IS SO ORDERED.

Dated this 6th day of January, 2009.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE